

LEGISLATIVE BILL 369

Approved by the Governor March 8, 1999

Introduced by Lynch, 13; Cudaback, 36; Janssen, 15; Schmitt, 41; Vrtiska, 1; Wehrbein, 2

AN ACT relating to state government; to amend sections 81-190 and 81-1108.33, Revised Statutes Supplement, 1998; to provide for the review of certain documents; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-190, Revised Statutes Supplement, 1998, is amended to read:

81-190. Sections 81-173 to 81-191.01 and section 2 of this act shall be known and may be cited as the Deferred Building Renewal Act.

Sec. 2. The task force shall conduct a review of the plans, specifications, and other construction and repair documents and ongoing maintenance requirements for real property, structures, or improvements that may be proposed to be made available to any state agency, board, or commission by means of gift, bequest, or devise pursuant to section 81-1108.33. The task force shall submit a report of its findings and recommendations to the Committee on Building Maintenance.

Sec. 3. Section 81-1108.33, Revised Statutes Supplement, 1998, is amended to read:

81-1108.33. ~~(1)(a)~~ (1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest, or devise to any state agency, board, or commission. Therefor, prior to any construction, repair, or maintenance work on such real property, structure, or improvement, the state building division and the Task Force for Building Renewal shall review the plans, specifications, other construction or repair documents, and potential maintenance requirements as a requirement for acceptance by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-1108.15 and 81-1114 and section 2 of this act. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents reviewed pursuant to subsection (1) of this section, and any potential ~~or~~ maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, or devise along with its recommendation.

(b) Any proposed gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance. If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, or devise along with the Governor.

(c) No construction or other work related to the proposed gift, bequest, or devise shall be initiated prior to receiving the approval required by this section.

~~(2)~~ (3) For purposes of this section, gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency. For purposes of this section, gift, bequest, or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.

~~(3)~~ (4) This section shall not apply to the University of Nebraska or any Nebraska state college, since these agencies are subject to and

participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

Sec. 4. Original sections 81-190 and 81-1108.33, Revised Statutes Supplement, 1998, are repealed.